



10-03-06

LAP6 Rec'd PST/PTO 02 OCT 2006

DAE #12

I hereby certify that this document is being deposited with the U.S. Postal Service on the date shown below in an envelope as Express Mail Post Office to Addressee, service under 37 C.F.R. § 110 as Express Mail, Label No. EV855941982US addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 2, 2006

Signature:

Denise Kacinski
(Denise Kacinski)

Docket No.: (51588)62031
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
JOUNG, KEITH J. *et al.*

Application No.: 10/532,258

Filed: April 21, 2005

For: CONTEXT SENSITIVE PARALLEL
OPTIMIZATION OF ZINC FINGER
DNA BINDING DOMAINS

Art Unit: Not yet assigned

Examiner: Not Yet Assigned

RECEIVED
26 JAN 2007
Legal Staff
International Division

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

10/05/2006 HDENESS1 00000002 041105 10532258
01 FC:1463 200.00 DA

RENEWED PETITION UNDER 37 C.F.R. §1.47(a)

Dear Sir:

A Notification of Missing Parts of Nonprovisional Application Filed Under 35 C.F.R. 1.53(b) was mailed by the U.S. Patent and Trademark Office on 15 December, 2005. The Notification of Missing Parts of Nonprovisional Application Filed Under 35 C.F.R. 1.53(b) indicated that a Declaration and Power of Attorney Form of the inventors was missing.

J. Keith JounG, residing at 1 Magnolia Way, Winchester, MA 01890, one of the two inventors, has executed the Declaration. A copy is enclosed. The second inventor, Carl Pabo, whose last known residential address is 77 Marion St. Apt #113, Brookline, MA 02446, has not executed the Declaration. This is a petition under 37 C.F.R. §1.47(a) to accept the Declaration executed by the one inventor on behalf of himself and the non-signing inventor in order to avoid prejudice to the Assignee.

The pertinent facts establishing the refusal by Carl Pabo to sign the declaration are as follows.

DAC

Carl Pabo contributed to the making of this invention while at The Massachusetts Institute of Technology. Carl Pabo is no longer an employee of The Massachusetts Institute of Technology. Carl Pabo was provided with copies of the Application papers (the specification, including claims, drawings, and the Oath or Declaration). A copy of the specification of U.S. Application Serial No. 10/532,258, including claims and drawings, was mailed to Carl Pabo on February 27, 2006 by Edwards Angell Palmer & Dodge LLP. A copy of the FedEx shipping label from the package that was mailed to Carl Pabo is enclosed. The Declaration and copies of Application Serial Nos. 60/420,458, filed October 23, 2002, and 60/466,889, filed April 30, 2003, were also provided to Carl Pabo by the Department of Corporate Sponsored Research and Licensing. Enclosed are copies of the e-mail documents that record the communications between Carl Pabo and the Department of Corporate Sponsored Research and Licensing. In these communications, Dr. Pabo confirms receipt of the Application papers.

Carl Pabo was contacted by Sandra Fay-Richard, Licensing Associate for Corporate Sponsored Research & Licensing of The Massachusetts General Hospital, regarding Notification of Missing Parts for the instant application. Ms. Fay-Richard indicated to Carl Pabo by telephone and electronic mail communications that a signed Declaration was due in the Patent Office on or before April 15, 2006 with a petition for a two month extension of time and the payment of accompanying fees. Carl Pabo was non-compliant to repeated requests for a signed declaration. Ms. Fay-Richard persisted in requesting a signed Declaration from Carl Pabo, or confirmation of his wished to decline further participation in the prosecution of the instant application. In an electronic mail dated 13 April 2006, which is attached as an exhibit to this petition, Carl Pabo responded that:

(y)es, I would like to decline participation in prosecution of this patent.---As I mentioned, I am working under immense time pressure with other responsibilities."

Based on the above facts, it is submitted that Dr. Carl Pabo is refusing to sign the Declaration, presumably due to other obligations that have interfered with his ability

to devote time to a suitable review of the instant application. Relief under 37 C.F.R. §1.47 is requested by the one other inventor and the assignee.

It is believed that our Deposit Account No. 04-1105 was previously charged in the amount of \$200.00 and that no additional Petition fee is due.

Applicants believe that additional fees are not required for consideration of the within petition. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,

Date October 2, 2006

By Amy M. Leahy

EDWARDS ANGELL PALMER &
DODGE, LLP
P.O. Box 55874
Boston, MA 02205
Telephone: 203-975-7505
Facsimile: 203-975-7180

Amy M. Leahy
Registration No.: 47,739
Attorney for Applicant